

CITY COUNCIL MEETING MONDAY, JUNE 11, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rabbi Lipsker, of Congregation Shomrei Habrith.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6

Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Public Works Director C. Jones
Finance Director R. Hottenstein

PROCLAMATIONS AND PRESENTATIONS

Council Commendation:

City Council issued a recognition certificate to Electric Repair Company, N. 9th Street, for their 60 years of service to the Reading community.

Mayoral Proclamations:

None.

PUBLIC COMMENT

Council President Spencer announced that six citizens were registered to address Council on agenda matters and six were registered to comment on non-agenda matters. He inquired if Council wished to suspend the public speaking rules to allow all those registered to speak at this point in the meeting. As no one objected, the public speaking rules were suspended.

Xiomara Figueroa, representing the Mambo Restaurant 501 Washington Street, thanked City Council for considering her application to transfer a liquor license from Cumru Township into the City of Reading. She described her business plan to create a full service restaurant which includes alcohol at the Mambo Restaurant. She expressed the belief that the approval of the liquor license transfer will increase the viability of her business. She distributed letters of support from Berkshire Building tenants and community members and circulated the letters to the members of Council.

Ed Stock, Esquire, representing the Mambo Restaurant, expressed his belief in the viability in the plan devised by Ms. Figueroa. He asked Council to support the application by approving the transfer of the liquor license from Cumru to the City of Reading.

Pat Boady, of Buttonwood Street, noted the success of neighborhood groups in the City. She expressed the belief that the Office of Neighborhood Development has increased citizen trust in City government and has made Reading a better place to live.

Diana O'Bryant, of N. 5th Street, expressed support for the liquor license transfer requested by Xiomara Figueroa for the Mambo Restaurant.

Alberto Serrano, of Weiser Street, spoke in support of the business operated by Ms. Figueroa at the Berkshire Building and requested that Council approve the transfer of the intermunicipal license to this business. He expressed the belief that this restaurant provides an additional vibrancy to the downtown.

Gary Mengle was not present.

Linda Dahlms, of N. 9th Street was not present.

Cindy Olanin, of Oley Street, described the recent vandalism by juveniles in the Oley and Birch Street neighborhood. She stated that the criminal activity of these juveniles has caused many residents to move out of the City. She noted collateral problems with vandalism noting how such creates insurance claims for residents and increased insurance premiums. She noted the need for equal enforcement of all ordinances city-wide.

Lisa Kneer, of Arlington St, founder of the Berks Peace Initiative, explained the group's mission to promote non-violence reform etc. She asked Council to consider the information distributed to them at the meeting noting that by visiting the Berks Peace Initiative website all can learn more about the mission and goals of the group. She asked the City to reconsider the special permit charge for the group's use of City equipment and parade planned for July 14.

Janet Norton, of Berks Peace Initiative, described the work of the group to provide non-violent alternatives to conflict. She described the group's monthly programs. She also asked the Reading Police Department to reconsider their participation at the July 14th event.

Tiffany Murphy was not present.

Chris Fegely, of Argonne Road, representing the Berks Peace Initiative noted the work of the group to find alternative approaches to violent situations. He noted the importance of the July 14th parade planned by the Berks Peace Initiative.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer asked Council to consider the minutes for the May 29, 2007 regular meeting of Council and the agenda for this meeting including the resolutions and awards of contract listed under the consent agenda heading. He noted the need to amend the agenda to include two ordinances relative to the change in traffic pattern on Walnut Street and N. 12th Street.

Councilor Fuhs asked that the resolution authorizing the Elm Street grant application be removed from the consent agenda and considered separately.

Councilor Fuhs moved, seconded by Councilor Baez, to approve the minutes from the May 29, 2007 regular meeting of Council and the

agenda as amended including the legislation listed under the consent agenda heading. The motion was approved unanimously.

CONSENT AGENDA

Resolution- approving City Sewage Facilities plan revision for Reading School District's Millmont Elementary School **(Public Works)**

Resolution- approving City Sewage Facilities plan revision modification for construction of Hydrojet Manufacturing Facility **(Public Works)**

Award of Contract- to Burkhardt Mechanical, Inc., P.O. Box 6767, Wyomissing, PA, 19610, at a total bid price of \$51,000.00 for HVAC maintenance at City Hall for the Department of Public Works **(Purchasing)**

Award of Contract- Kautter & Kelley Architects, 5 Belmont Avenue, Wyomissing, PA, 19610, at a total contract price of \$89,750 **(Purchasing)**

Resolution 72-2007 - authorizing the submission of a Residential Reinvestment Program – Elm Street Grant application to request funding in the amount of \$50,000.00, out of the total project cost of \$61,500.00, for the purchase and installation of monitoring cameras within the designated residential area **(Managing Director)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 72-2007.

Councilor Fuhs inquired if this funding will be used to offset the cost of the program's first phase. Mayor McMahon replied that the grant, if approved, will be applied to the total cost of phase one of the surveillance camera program. Finance Director Hottenstein concurred that this funding will supplement the original \$400,000 scheduled in the capital budget for phase one.

Resolution 72-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

ADMINISTRATIVE REPORT

Mayor Tom McMahon reviewed the report distributed to Council at the meeting. The report covered the following topics:

- Vehicle Theft Prevention – VIN etching program – administered by the Reading Police Department on Saturday, May 19
- Update on the graffiti removal program
- The continued reduction of violent crime in the City
- Installation of security cameras by small businesses who have had criminal activity in the past
- Hiring of two additional police officers, Officer Lehman and Officer Freeman
- Update on the Pagoda renovations
- Availability of crime alert rewards for those people who report illegal dumping.

Councilor Goodman-Hinnershitz asked the Mayor to report on the cost of trash clean-up on Mount Penn and Neversink. Mayor McMahon stated that the City has recently obtained bids to removed trash dumped on Mt. Penn and Neversink. It is estimated the trash removal will cost between \$40,000 and \$70,000.

Councilor Sterner agreed with the need to increase juvenile crime enforcement. Mayor McMahon described the work of the County Commissioners to open a curfew center as a temporary holding place for juveniles picked up on curfew violations.

Council President Spencer inquired if police hiring falls under the Third Class City Code Civil Service. He noted the need for Council to approve hires and promotions within the Police Department. Solicitor Younger stated that he would need to research this issue and report back.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- The Budget Summit
- The Municipal Sewage Payments
- An update on the 2006 City audit

Councilor Goodman-Hinnershitz inquired how the overall revenues projected in the 2006 budget compare with actual amounts received. Mr. Cituk stated that he will provide a response in his next report.

City Auditor Cituk explained the formula used to charge outlying municipalities for sewer use.

Council President Spencer inquired about the length of the contract for external auditing services with Herbein and Company. City Auditor Cituk replied that Herbein and Company was awarded a three year contract covering 2005, 2006, and 2007. The contract contains two optional one year extensions. He explained the terms for local preference in City bids.

Councilor Goodman-Hinnershitz suggested further discussion at an upcoming Finance Committee meeting.

ORDINANCES FOR FINAL PASSAGE

Bill No. 40-2007 - conveying, for \$1,000.00, a parcel known as the Chester Street Lot to Mr. John Weidner. **(Public Works Committee/Council Staff) Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting; tabled at the 05/29/07 meeting of Council.**

Councilor Baez moved, seconded by Councilor Fuhs, to table Bill 40-2007.

Bill 40-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance- amending the 2007 General Fund budget to increase the appropriation to BCTV 10 \$170,000.00, from \$155,000.00 **(Managing Director) Introduced at the 05/29/07 meeting of Council; has not satisfied the two week layover period and must remain on the table until the 06/25/07 meeting of Council**

Ordinance- approving a Capital Grant to BCTV, in the amount of \$192,422.00 **(Managing Director) Introduced at the 05/29/07 meeting of**

Council; has not satisfied the two week layover period and must remain on the table until the 06/25/07 meeting of Council

Ordinance- renewing the annual contract with BCTV, in the amount of \$170,000.00 **(Managing Director) Introduced at the 05/29/07 meeting of Council; has not satisfied the two week layover period and must remain on the table until the 06/25/07 meeting of Council**

Ordinance- authorizing the Mayor to renew a lease agreement with Easter Seals of Eastern Pennsylvania for the premises known as Camp Lily **(Managing Director)**

Ordinance- entering into Agreement with Alvernia College for the lease of improvements made at Angelica Park **(Managing Director/Solicitor)**

Ordinance- increasing the salary of the Finance Director to \$75,000.00 per year **(Managing Director)**

Ordinance- appropriating \$200,000.00 from the General Fund Budget to fund a fire training class for ten (10) individuals **(Managing Director)**

Ordinance- authorizing the Mayor to renew a lease agreement with Alvernia College for the continued use of the Reading Police Academy **(Managing Director/Solicitor)**

Ordinance- authorizing the conveyance of 1900 Centre Avenue to Colonial Electric Supply and authorizing the Mayor to execute all requisite documents for undertaking this conveyance **(Solicitor)**

Ordinance- changing the flow of traffic to two-way on N. 12th Street to support the Reading Citadel

Ordinance- to change the flow of traffic from one-way to two-way on Walnut Street to support the Reading Citadel

RESOLUTIONS

Resolution 75-2007 - approving the inter-municipal transfer of a liquor license registered to Chee Yuen Hong, owner of Far East Restaurant, 2471 Lancaster Pike, Shillington, Pa 19607, to Rafael Guerrero, Vice President of Mambo Restaurant, 501 Washington Street, Reading Pa, 19601 **(Council Staff)**

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to approve the inter-municipal transfer of a liquor license to Rafael Guerrero of the Mambo Restaurant, 501 Washington Street.

Councilor Baez expressed her belief in the work plan and intent expressed by applicant Xiomara Figueroa. She noted her support for this business.

Councilor Fuhs thanked Ms. Figueroa and Mr. Guerrero for their application. He agreed with the public safety concerns and objections expressed by the Reading Police Department at the hearing based on the numerous police calls made to this address the behavior of patrons.

Councilor Sterner expressed his belief in the business plan presented by the applicant. However, he agreed with the public safety concerns expressed by the Police Chief. He also agreed that the number of liquor licenses active in the City has caused many public safety problems for City residents.

Councilor Waltman agreed that the abundance of active liquor licenses in the City has caused drastic public safety concerns for Reading residents. He noted the need for these licenses to migrate out of the City and be used by outlying communities. He noted that currently the City has 87 active retail liquor licenses which is 60 more than the quota allowed by the PA LCB.

Council President Spencer stated that the City Clerk has made him aware of a request from the Berkshire Building's manager to address the body of Council. City Solicitor Younger stated that Council would need to suspend the meeting rules to allow public comment at this point in the meeting.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to suspend the meeting rules. The motion to suspend the meeting rules was approved by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Donna Glaze, manager of the Berkshire Building, expressed her belief in the business plan presented by Ms. Figueroa and noted Ms. Figueroa's work to address the numerous problems that previously existed at the

building. She also applauded the applicant's willingness to address problems expressed by other building tenants. She stated that the Berkshire Building has recently installed security cameras at all entrance ways and exit ways and in various interior hallways that have alleviated concerns expressed by building tenants. She requested that Council approve the application.

Councilor Waltman thanked Ms. Glaze for her comments but again noted his belief that the overcrowding of liquor licenses in the City has greatly increased public safety pressures.

Councilor Goodman-Hinnershitz stated that the PA LCB quota is based on a municipality's population and ability to provide law enforcement and correct public safety problems. She stated that additional liquor licenses in the City will increase pressure on the Reading Police Department. She suggested that the applicant consider purchasing a license that is already exists within City limits.

Councilor Fuhs noted the letter of support provided by former Councilor Angel Figueroa. He noted his agreement with the public safety concerns expressed by the Police Chief at the hearing.

Council President Spencer inquired if the concerns expressed this evening were based on the number of active liquor licenses currently in the City or the process. He expressed the belief that the restaurant is not located in a neighborhood and questioned the effect it would have on neighborhood public safety. He noted the ability of the building manager to terminate the lease if problems exist. He stated that he will support the application to provide an inter-municipal transfer of the liquor license.

Councilor Baez noted Ms. Figueroa's work to correct problems that occurred earlier in the year. She expressed the belief that the family-orientation of this business will not negatively affect the neighborhood.

Councilor Waltman expressed the belief that increasing the number of liquor licenses in the City will only expand upon public safety problems already handled by the Reading Police.

Resolution 75-2007 approving the inter-municipal transfer of a liquor license to the Mambo Restaurant was not adopted by the following vote:

Yea: Baez, Spencer President – 2.

Nay: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 5.

Resolution 73-2007 - approving the reallocation of CDBG funds in the amount of \$143,376.00 to fund the Office of Neighborhood Development **(Managing Director) Tabled at the 05/29/07 meeting of Council; discussed at the 06/04/07 meeting of the Finance Committee**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution 73-2007.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to amend the sixth paragraph of the resolution to read as follows:

Add \$143,376 to increase total funding to 156,376-Reading Beautification Inc./City Office of Neighborhood Development Community Organizer and further require the Administration to produce job descriptions for the Office of Neighborhood Development and hold these employees responsible to the defined goals and responsibilities that will be evaluated quarterly by the Managing Director and members of City Council.

Councilor Goodman-Hinnershitz and Councilor Sterner noted the extensive review and discussion on the functionality, mission, and goals for the Office of Neighborhood Development. They expressed the belief that this amended language will provide the needed oversight of this relatively new City service.

The amendment to Resolution 73-2007 as previously stated was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: Fuhs – 1.

Councilor Fuhs noted that the long review of this service helped to identify and refine the goals and responsibilities of the office. He expressed the belief that this funding would be better spent to improve basic public services such as street lighting, street paving, etc. He stated that he does not believe the additional allocation of \$143,376 will improve the services provided to neighborhood groups, correct the performance of the employees staffing the office or improve the responsibilities of the office.

Councilor Waltman agreed with the principle of the Office of Neighborhood Development but stressed the need to find a middle ground for outreach, mission, and goals. He stated that he will support the adoption of this resolution but may oppose its inclusion in the 2008 general fund budget.

Councilor Goodman-Hinnershitz expressed the belief that the scope of the office was expanded too far too fast. She noted the need for the Managing Director to provide strong guidance and direction through the upcoming months. She agreed with the overall principle to provide administrative support to City grass-root efforts.

Council President Spencer stated that he did not support the creation of this office since it was initiated through the CDBG budget three years ago. He stated that although the majority of Council appears to support using CDBG funds to support the Office of Neighborhood Development, Council will have a much harder time appropriating the same amount of money from general fund dollars. He noted that of the \$153,000 budget, \$105,000 is allocated towards salaries. He noted Council's repeated requests for job descriptions for the personnel involved. He stated that he would be more likely to support the adoption of this resolution with further salary reductions.

Council President Spencer stated that although Council has been discussing this issue with the Administration for several months the review and discussion process has not soothed or answered any of Council's questions or concerns. He inquired how the Office of Neighborhood Development has functioned for the first five months of 2007 with an allocation of \$36,000 to cover one full-time and three part-time employees.

Resolution 73-2007 was adopted as amended by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman -5.

Nay: Fuhs, Spencer President – 2.

Resolution 76-2007 - approving the exoneration of City taxes owed on the property located at 1729 Centre Avenue, which is owned by Total Family Christian Center Inc **(Council Staff)**

Councilor Waltman moved, seconded by Councilor Fuhs, to table Resolution 76-2007.

Resolution 76-2007 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7.**

Nay: None – 0.

COUNCIL COMMENT

Councilor Fuhs suggested that the move of Glidden/ICI Paints points to the need for a business retention program.

Councilor Fuhs stated that discussions at the recent budget summit again addressed the structural deficit. He stated that the structural deficit could rise to \$47 million in upcoming years. He requested that the Administration provide a vision plan that outlines focus, goals, and priorities to correct the structural deficit.

Councilor Marmarou requested permission to leave the meeting at this time to attend to another appointment. Councilor Marmarou left the meeting at this time.

Councilor Sterner thanked all those who gave public comment at tonight's meeting. He also noted upcoming District 2 events.

Councilor Goodman-Hinnershitz noted the importance of a balanced budget that contains firm goals and priorities to address specific performance objectives. She stated that citizen complaints stress the need for change in public services. However, these complaints are often ignored.

Councilor Goodman-Hinnershitz and Councilor Sterner agreed with the approach of Berks Peace Initiative.

Councilor Goodman-Hinnershitz noted the upcoming community meeting on the rehabilitation of City Park.

Councilor Goodman-Hinnershitz announced the upcoming meeting to reactivate the Pendora Park Association scheduled for June 20 at the Pendora Fieldhouse.

Mayor McMahon stated that the Administration appreciates the comments and work produced at the budget summit. He noted the Administration's continual work to trim expenses and properly increase fines, fees, and permits to assist in closing the financial gap.

Mayor McMahon noted the need to increase the service areas of water and sewer systems as both are currently operating at only 50% of their available capacity. He also noted the assistance the City has received from PEL studies, state, and federal officials.

Mayor McMahon noted that the structural deficit issue is not Reading's problem alone. He stated that many cities across Pennsylvania face the same problems.

Councilor Waltman noted Council's continual work to control costs since the change in form of government. He commended all bodies of Council for their work to make critical adjustments to the City's revenues and expenditures.

Council President Spencer thanked Council staff for organizing the reception for the City's Boards, Authorities, and Commissions on Sunday, June 3.

Council President Spencer inquired how personnel staffing the curfew center will be trained and what security will be provided at the curfew center.

Council President Spencer agreed with the need to take firm steps to reduce the City's structural deficit. He agreed that other cities face the same problem; however, other cities have a plan of attack in place to address the deficit. He stressed the need for the City to reserve the minor surplus available to address the structural deficit.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Waltman moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk